

REMARKS

Favorable reconsideration of this application is respectfully requested.

The specification is amended by the present response to correct minor grammatical informalities therein. A new Abstract believed to be in more proper format under United States practice is also submitted.

Claims 1-4, 6-9, 11, 12, and 14 are pending in this application. Claims 5, 10, 13, and 15-19 are canceled by the present response without prejudice.

Claims 1-11 and 13-14 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2003/0070173 to Nakano et al. (herein "Nakano"). Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano in view of U.S. Patent Application Publication 2001/0049826 to Wilf. Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano in view of U.S. Patent Application Publication 2004/0098754 to Vella et al. (herein "Vella"). Claim 17 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano in view of Vella and further in view of Wilf. Claim 18 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano in view of JP 2002-217894 to Harada et al. (herein "Harada"). Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano in view of Harada and further in view of U.S. Patent 7,209,942 to Hori et al. (herein "Hori").

Addressing the above-noted prior art rejections, those rejections are traversed by the present response.

Initially, applicants note each of independent claims 1 and 7 is amended by the present response to include additional features therein, and claims 15-19 are canceled without prejudice. Thereby, the rejections to claims 15-19 are obviated by the present response.

Independent claim 1 is amended herein to incorporate the limitations from original dependent claim 5, which is accordingly canceled. Independent claim 7 is amended herein to

incorporate the limitations from original dependent claims 10 and 13, which are accordingly canceled. Thereby, the claim amendments are not believed to raise any issues of new matter.

Independent claims 1 and 7 as currently written are believed to clearly distinguish over the applied art.

With respect to amended independent claim 1, which as noted above now includes the features of original dependent claim 5, dependent claim 5 was rejected based on the disclosure in Nakano at paragraph [0146], the outstanding Office Action stating that disclosure in Nakano teaches “where metadata is searched and synchronized with a video data to be displayed at the time of presentation”.¹

In reply to that grounds for rejection applicants respectfully submit Nakano does not in fact disclose the features now clarified in amended independent claim 1 and as previously recited in dependent claim 5. Independent claim 1 now specifically further recites:

a synchronizing portion configured to extract characteristic data that is stored in the metadata, search for corresponding characteristic data in associated media data, and to synchronize the metadata with the associated media data to correct any time differences between the metadata and the media data caused by inaccurate time data in the metadata.

Nakano at paragraph [0146] discusses transmission to a delivery server side and specifically states “[i]f the type checking fails, a new type is synchronized with that on *the client side*, and that type is newly registered also on the *delivery server side*” (emphasis added). That disclosure in Nakano thus discloses a synchronization, but does not disclose or suggest the synchronization recited in claim 1, and particularly that disclosure in Nakano is not directed to synchronizing metadata with associated media data.

The above-noted passage in paragraph [0146] in Nakano is directed to synchronizing a type on a client side with a newly registered type on a delivery server side.

¹ Office Action of October 31, 2007, the paragraph bridging pages 4 and 5.

In contrast to that disclosure in Nakano, independent claim 1 as written synchronizes metadata (which is at a client side) with associated media data provided from a server side, to correct any time difference between the metadata and the media data caused by any inaccuracies in a time date. Applicants submit Nakano does not disclose or suggest such features. Applicants also point out Nakano does not even disclose or suggest extraction of characteristic data in metadata and searching for corresponding characteristic data in associated media data, and thus Nakano does not even suggest an environment in which synchronization between such metadata and associated media data would be realized.

In view of the foregoing comments applicants respectfully submit amended independent claim 1, and the claims dependent therefrom, patentably distinguish over Nakano.

With respect to amended independent claim 7, as noted above independent claim 7 now includes the features from previously pending dependent claims 10 and 13. Independent claim 7 now specifically recites, from original dependent claim 13:

wherein the server includes a metadata creator data storing portion configured to store metadata creator data identifying a creator of specific metadata and incrementing a value associated with the metadata creator data each time the specific metadata is exchanged among the plurality of client media data audio-visual devices, and wherein the metadata creator data is added to the search request of the search request inputting portion.

According to such claim features, a server can store metadata and can additionally store “metadata creator data identifying a creator of specific metadata” and can further “increment[] a value associated with the metadata creator data each time the specific metadata is exchanged among the plurality of client media data audio-visual device”. Such features are believed to clearly distinguish over Nakano.

With respect to the above-noted features, the outstanding Office Action cites Nakano at paragraphs [0163]-[0169] and also specifically states that in Nakano “. . . it is inherent that the ID the client or any type of identifying info needs to be appended to the changes in order for the clients to contact the other clients”, and further stating “[e]very time a client requests for metadata content, a counter is increased . . .”.²

Applicants traverse the above-noted grounds for rejection and submit Nakano simply does not disclose or suggest the above-noted features recited in claim 7, and such features clearly would not be inherent in Nakano.

First, Nakano does not even disclose or suggest that a server stores any “metadata creator data”. The ID referred to in Nakano appears to be directed to the ability in Nakano for different clients to exchange metadata, but that disclosure in Nakano is not at all directed to a server “storing metadata creator data”. There is simply no requirement at all, nor is it inherent, in Nakano for a server to store any “metadata creator data”.

Applicants also note a creator of metadata does not even have to be identical with a sender of metadata. Nakano appears to indicate clients that exchange information can issue a type of tag,³ but such disclosures in Nakano are not at all directed to a creator of metadata, which can differ from a sender of metadata.

Applicants also note there is clearly no requirement, and thereby it is not inherent, in Nakano to append any type of identifying information to a metadata that would indicate its creator. The basis for an interpretation of inherency of the claimed features now recited in independent claim 7 based on Nakano is improper and is thereby traversed.

² Office Action of October 31, 2007 the paragraph bridging pages 5 and 6.

³ See for example Nakano at paragraphs [0164] and [0165].

In view of the foregoing comments, applicants respectfully submit amended independent claim 7 as currently written also clearly distinguishes over the applied art to Nakano.

Moreover, none of the disclosures in any of the further cited art to Wilf, Veller, Harada, or Hori were cited with respect to the above-noted features now recited in amended independent claims 1 and 7, and no disclosures of any of those further references are believed to cure the above-noted deficiencies of Nakano.

In view of the present response applicants respectfully submit independent claims 1 and 7, and thereby the claims dependent therefrom, as currently written distinguish over the applied art.


As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Surinder Sachar
Registration No. 34,423